



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,293	02/13/2004	Kurt Mohr	1-25074	7430

46582 7590 10/28/2004

MACMILLAN, SOBANSKI & TODD, LLC  
ONE MARITIME PLAZA - FOURTH FLOOR  
720 WATER STREET  
TOLEDO, OH 43604

EXAMINER
----------

NGUYEN, XUAN LAN T

ART UNIT	PAPER NUMBER
----------	--------------

3683

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/779,293	<b>Applicant(s)</b> MOHR, KURT <span style="float: right;">SD</span>	
	<b>Examiner</b> Lan Nguyen	<b>Art Unit</b> 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 3,9-11 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,7,8,12,14 and 15 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/8/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Species A in the reply filed on 8/20/04 is acknowledged.

### ***Information Disclosure Statement***

2. The Abstracts listed under section "Other Documents" have been lined out because they are considered parts of the respective cited foreign documents listed in the section "Foreign Patent Documents". The Abstracts have been considered during the examination of the instant application. The Examiner appreciates the provision of the Abstracts.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 7, 8, 12, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Wollenweber et al.

Re: claim 1, Wollenweber et al. show a disc brake, as in the present invention, comprising a caliper 14, two brake shoes 16, 18, which are pressable against both sides

Art Unit: 3683

of a brake disc and which in relation to a peripheral force generated upon application of the brake shoes against the brake disc are supported against a vehicle-fixed carrier 12, wherein the peripheral force in dependence upon a direction of rotation of the brake disc acts in one of two opposite peripheral force directions, as shown in figure 1; at least one device 34 for at least one of measuring and converting the peripheral force, the device being disposed in a force transmission chain between at least one of the brake shoes and the carrier 12; and at least one force transmission member 42, which is disposed between at least one of the brake shoes and the device for at least one of measuring and converting the peripheral force and which is movable under guidance in a plane parallel to the brake disc wherein the at least one force transmission member is disposed at one side relative to the caliper in order to take up and transmit the generated peripheral force in only one of the two peripheral force directions. Note that the force transmission member 42 is movable with the brake pad 18.

Re: claim 2, figure 1 further shows guide 50 being rigidly coupled to the carrier 12.

Re: claims 7 and 8, figure 1 further shows force transmission members 42, 44, devices 34, 36 disposed at each side of the disc.

Re: claim 12, figure 1 shows device 34 comprises a force sensor 64.

Re: claim 14, figure 1 shows the force transmission member 42 being profiled at a region interacting with the brake shoe, the flange where bolt 50 is securing member 42 to the flange of brake shoe 18.

Re: claim 15, Wollenweber et al. show a vehicle brake system having a disc brake, as in the present invention, comprising a caliper 14, two brake shoes 16, 18, which are pressable against both sides of a brake disc and which in relation to a peripheral force generated upon application of the brake shoes against the brake disc are supported against a vehicle-fixed carrier 12, wherein the peripheral force in dependence upon a direction of rotation of the brake disc acts in one of two opposite peripheral force directions, as shown in figure 1; at least one device 34 for at least one of measuring and converting the peripheral force, the device being disposed in a force transmission chain between at least one of the brake shoes and the carrier 12; and at least one force transmission member 42, which is disposed between at least one of the brake shoes and the device for at least one of measuring and converting the peripheral force and which is movable under guidance in a plane parallel to the brake disc wherein the at least one force transmission member is disposed at one side relative to the caliper in order to take up and transmit the generated peripheral force in only one of the two peripheral force directions. Note that the force transmission member 42 is movable with the brake pad 18.

***Allowable Subject Matter***

5. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wahnschaffe et al. show a disc brake in figure 4 with force sensors 10a, 10b.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is 703-308-8347. The examiner can normally be reached on M-F, 8 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Nguyen  
Patent Examiner  
Art Unit 3683

*Lan Nguyen* 10/23/04